

MINUTES OF THE SPECIAL TOWN BOARD MEETING OF OCTOBER 31, 2012

PRESENT:	Supervisor	Teresa Dean
	Council	Ed Fairbrother
		Mike Smith
	Town Clerk	Linda Cross
ABSENT:	Council	Andy Gillette
		Mike Saglibene
	Attorney	Fred Aherns

Supervisor Dean called the Special Town Board Workshop to order at 4:32 p.m.

RESOLUTION NO.220-12

PUBLIC HEARING SET FOR PROPOSED LOCAL LAW TENTATIVELY NO. 4 FOR THE YEAR 2012, ESTABLISHING THE ANNUAL SALARIES OF CERTAIN ELECTED OR APPOINTED OFFICIALS AND DEPARTMENT HEADS OF THE TOWN OF BIG FLATS
PUBLIC HEARING APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS pursuant to Municipal Home Law, Section 24, the Town must adopt a Local Law subject to a referendum setting the salaries of all elected officials and those officials who have a fixed term of office, and

WHEREAS the Town Board has reviewed the salaries of certain elected or appointed officials of the Town of Big Flats who have a fixed term of office for the Fiscal Year 2013, which some individuals are presently serving mid-term, and

WHEREAS a Local Law Tentatively No. 4 for the Year 2012, establishing the annual salaries of such appointed officials for the Fiscal Year 2013, now

THEREFORE, BE IT RESOLVED there is hereby presented to each member of the Town Board Local Law Tentatively No. 4 for the Year 2012, establishing the annual salaries of certain elected or appointed officials and department heads of the Town of Big Flats who have a fixed term of office for the Fiscal Year 2013, as follows:

**TOWN OF BIG FLATS
LOCAL LAW TENTATIVELY NO. 4 FOR THE YEAR 2012**

A LOCAL LAW establishing the annual salaries of certain elected or appointed officials and department heads of the Town of Big Flats who have a fixed term of office for the Fiscal Year 2013.

Be it enacted by the Town Board of the Town of Big Flats as follows:

SECTION 1: Except where inconsistent by operation of law due to prohibitions of increases of compensation during a fixed term of office for Town officers and employees as provided in Municipal Home Rule Law §24 be, and the same hereby is, applicable to officers and employees having a fixed term

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of office, whether elected or appointed, as are any and all resolutions of the Town of Big Flats Town Board relative to rights and entitlements of Town executive and management personnel.

SECTION 2: Effective with the first town payroll for the Town Fiscal Year 2013 the annual salaries of the certain elected or appointed officials and department heads of the Town of Big Flats who have a fixed term of office are hereby established for the Fiscal Year 2013 as follows, to wit:

<u>TITLE</u>	<u>2012 SALARY</u>	<u>2013 SALARY</u>
Town Supervisor	\$31,000	\$31,000
Town Council (4)	\$7, 004 each	\$7,004 each
Town Justice (2)	\$19,478 each	\$20,062 each
Town Clerk	\$35,020	\$36,071
Tax Collector	\$7,224	\$7,224
Assessor	\$38,512	\$39,668
Commissioner of Public Works	\$84,011	\$86,531

SECTION 3: Should any of the above positions become vacant and subsequently filled by one other than the present incumbent, the salary shall in that instance be set by the Town Board prior to filling said vacancy.

SECTION 4: This Local Law shall become effective, subject to a permissive referendum, forty-five (45) days after the date of its final adoption and on the date it is duly filed in the Office of the Secretary of State of the State of New York and in accordance with the provisions of the Municipal Home Rule Law of the State of New York..

FURTHER RESOLVED before said Local Law is adopted by the Town Board, a Public Hearing shall be held at the Town Board Meeting on November 14, 2012, at 4:30 P.M. or such other date and time that may be adjourned, at Town of Big Flats Town Hall, 476 Maple Street, Big Flats, New York 14814, and the Local Law is subject to a permissive referendum of the qualified electors of the Town of Big Flats by filing of a legal petition within forty-five (45) days after its final adoption, with the Clerk of the Town of Big Flats protesting such Local Law, and

FURTHER RESOLVED the Town Clerk shall cause a notice of said Public Hearing notice published in the official newspaper of the Town and shall cause such posting and publication to be completed at least five (5) days prior to the date heretofore set forth for the Public Hearing.

CARRIED: AYES: Smith, Fairbrother, Dean
NAYS: None
ABSTAIN: None
ABSENT: Gillette, Saglibene

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RESOLUTION NO.221-12

PROPOSED LOCAL LAW TENTATIVELY NO. 5 FOR THE YEAR 2012 TO OVERRIDE
THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C
PUBLIC HEARING SET

Resolution by: Smith

Seconded by: Fairbrother

WHEREAS the governor and legislature of the State of New York have enacted a tax levy limit of 2% increase over the preceding year levy, and

WHEREAS the budget of the Town of Big Flats is subject to audit by the Comptroller of the State of New York for compliance with the tax levy limit, and

WHEREAS definitive guidelines and rules as to how to calculate the 2% tax limit calculation are not in place and are subject to interpretation, and

WHEREAS under the above circumstances there could be inadvertent and unintentional non-compliance subjecting the Town to adverse consequences, and

WHEREAS to avoid the aforementioned adverse consequences it is prudent to adopt the within local law, now

BE IT THEREFORE RESOLVED there is hereby presented the Local Law tentatively No. 5 of the year 2012 for the Town of Big Flats as follows:

TOWN OF BIG FLATS

Local Law to override the tax levy limit established in General Municipal Law 3-c

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Big Flats, County of Chemung pursuant to General Municipal Law § 3-c, and to allow the Town of Big Flats, County of Chemung to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2013 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Big Flats, County of Chemung is hereby authorized to adopt a budget for the fiscal year 2013 that requires a real property tax levy in excess of the limit specified in General Municipal Law, §3-c.

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Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.

FURTHER RESOLVED before said Local Law is adopted by the Town Board, a Public Hearing shall be held at the Town Board Meeting on November 14, 2012, at 4:30 P.M. or such other date and time that may be adjourned, at Town of Big Flats Town Hall, 476 Maple Street, Big Flats, New York 14814, and

FURTHER RESOLVED the Town Clerk shall cause a notice of said Public Hearing notice published in the official newspaper of the Town and shall cause such posting and publication to be completed at least five (5) days prior to the date heretofore set forth for the Public Hearing.

CARRIED: AYES: Smith, Fairbrother, Dean
NAYS: None
ABSTAIN: None
ABSENT: Gillette, Saglibene

Supervisor Dean made a motion, seconded by Councilperson Smith to approve a prepayment of \$2,000.00 (two thousand dollars) for Jeremy Rose to pay for the work on our website at 4:36 p.m. All in favor except Councilperson Gillette and Councilperson Saglibene was absent, motion carried.

Councilperson Fairbrother made a motion, seconded by Councilperson Smith to adjourn the Special Town Board meeting at 4:37 p.m. All in favor except Councilperson Gillette and Councilperson Saglibene, motion carried.

Date approved: _____

Linda J. Cross
Town Clerk